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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) No. 14-00296 JST
Plaintiff,) STIPULATION TO CONTINUE
vs.) [PROPOSED] ORDER CONTINUING
EDGARDO DUARTE,) CASE AND EXCLUDING TIME
Defendant,) PURSUANT TO THE SPEEDY TRIAL
) ACT
)

IT IS HEREBY STIPULATED by and between the parties to this action, that the motions hearing date of October 2, 2015 presently scheduled at 2:00 p.m., before the Honorable Jon S. Tigar, be vacated and re-set for October 23, 2015 at 2:00 p.m. for a motions hearing. Motions shall be filed by September 4, 2015, opposed by September 25, 2015, and oppositions replied to by September 2, 2015.

The reason for this request is that Linda Fullerton had anticipated having motions done by the August 14, 2015, but ended up in trial on a case that she had anticipated would resolution. Based on the complexity, the defense requests additional time to further investigate the matter and to draft motions. The parties agree and stipulate that time from October 2, 2015 until

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October 23, 2015 should be excluded under 18 U.S.C § 3161(h)(7)(A) and (B), because the ends of justice served by granting the continuance outweigh the interests of the public and the defendant in a speedy trial. The continuance is necessary to allow the defense to prepare effectively, including discovery review and motions drafting, taking into account the exercise of due diligence. This stipulation applies to Mr. Duarte only.

Dated: August 20, 2015

/s/ Linda Fullerton
LINDA FULLERTON
Counsel for Defendant Edgardo Duarte

Dated: August 20, 2015

/s/ Chinhayi Coleman Cadet
CHINHAYI COLEMAN CADET
Assistant United States Attorney

~~PROPOSED~~ ORDER

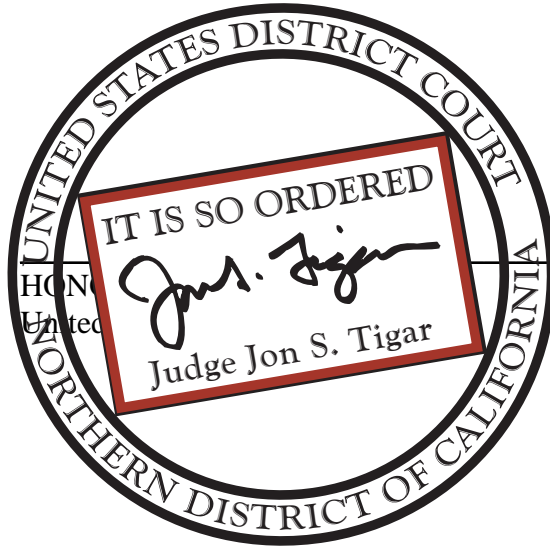
The Court finds that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial. The continuance is necessary to accommodate defense counsel's preparation efforts, including the drafting of motions in a case involving voluminous discovery, taking into account the exercise of due diligence.

Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter, as to Mr. Duarte only, be continued to October 23, 2015 at 2:00 p.m. for MOTIONS HEARING, and that time is excluded from October 2, 2015 to October 23, 2015 pursuant to 18 U.S. C. §§3161(h)(7)(A) and (B)(iv).

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1 IT IS SO ORDERED.

2 Dated: August 21, 2015



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